



General Assembly

January Session, 2001

Raised Bill No. 1125

LCO No. 3699

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING THE MEMBERSHIP OF THE STATE TRAFFIC COMMISSION AND CONSIDERATIONS FOR ISSUANCE OF CERTIFICATES OF OPERATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-298 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) There shall be within the Department of Transportation a State
4 Traffic Commission. Said Traffic Commission shall consist of the
5 Commissioner of Transportation, the Commissioner of Public Safety
6 and the Commissioner of Motor Vehicles. For the purpose of
7 standardization and uniformity, said commission shall adopt and
8 cause to be printed for publication regulations establishing a uniform
9 system of traffic control signals, devices, signs and markings consistent
10 with the provisions of this chapter for use upon the public highways.
11 The commissioner shall make known to the General Assembly the
12 availability of such regulations and any requesting member shall be
13 sent a written copy or electronic storage media of such regulations by
14 the commissioner. Taking into consideration the public safety and
15 convenience with respect to the width and character of the highways

16 and roads affected, the density of traffic thereon and the character of
17 such traffic, said commission shall also adopt regulations, in
18 cooperation and agreement with local traffic authorities, governing the
19 use of state highways and roads on state-owned properties, and the
20 operation of vehicles including but not limited to motor vehicles, as
21 defined by section 14-1, and bicycles, as defined by section 14-286,
22 thereon. A list of limited-access highways shall be published with such
23 regulations and said list shall be revised and published once each year.
24 The commissioner shall make known to the General Assembly the
25 availability of such regulations and list and any requesting member
26 shall be sent a written copy or electronic storage media of such
27 regulations and list by the commissioner. A list of limited-access
28 highways opened to traffic by the Commissioner of Transportation in
29 the interim period between publications shall be maintained in the
30 office of the State Traffic Commission and such regulations shall apply
31 to the use of such listed highways. Said commission shall also make
32 regulations, in cooperation and agreement with local traffic authorities,
33 respecting the use by through truck traffic of streets and highways
34 within the limits of, and under the jurisdiction of, any city, town or
35 borough of this state for the protection and safety of the public. If said
36 commission determines that the prohibition of through truck traffic on
37 any street or highway is necessary because of an immediate and
38 imminent threat to the public health and safety and the local traffic
39 authority is precluded for any reason from acting on such prohibition,
40 the commission, if it is not otherwise precluded from so acting, may
41 impose such prohibition. Said commission may place and maintain
42 traffic control signals, signs, markings and other safety devices, which
43 it deems to be in the interests of public safety, upon such highways as
44 come within the jurisdiction of said commission as set forth in section
45 14-297. The traffic authority of any city, town or borough may place
46 and maintain traffic control signals, signs, markings and other safety
47 devices upon the highways under its jurisdiction, and all such signals,
48 devices, signs and markings shall conform to the regulations
49 established by said commission in accordance with this chapter, and

50 such traffic authority shall, with respect to traffic control signals,
51 conform to the provisions of section 14-299.

52 (b) In making decisions on applications for certification under
53 sections 14-411, as amended by this act, and 14-411c, as amended by
54 this act, the membership of the State Traffic Commission shall consist
55 of the Commissioner of Transportation, the Commissioner of Public
56 Safety, the Commissioner of Motor Vehicles, the executive director of
57 the Council on Environmental Quality, the Commissioner of Social
58 Services and the chairperson of the regional council of governments
59 operating in the planning region in which the development for which
60 an application has been filed is located.

61 Sec. 2. Section 14-411 of the general statutes is repealed and the
62 following is substituted in lieu thereof:

63 (a) No person, firm, corporation, state agency, or municipal agency
64 or combination thereof shall build, expand, establish or operate any
65 open air theater, shopping center or other development generating
66 large volumes of traffic, having an exit or entrance on, or abutting or
67 adjoining, any state highway or substantially affecting state highway
68 traffic within this state until such person or agency has procured from
69 the State Traffic Commission a certificate that the operation thereof
70 will not imperil the safety of the public.

71 (b) No local building official shall issue a building or foundation
72 permit to any person, firm, corporation, state agency or municipal
73 agency to build, expand, establish or operate such a development until
74 the person, firm, corporation or agency provides to such official a copy
75 of the certificate issued under this section by the commission. If the
76 commission determines that any person, firm, corporation, or state or
77 municipal agency has (1) started building, expanding, establishing or
78 operating such a development without first obtaining a certificate from
79 the commission, or (2) has failed to comply with the conditions of such
80 a certificate, it shall order the person, firm, corporation or agency to
81 (A) cease constructing, expanding, establishing or operating the

82 development, or (B) comply with the conditions of the certificate
83 within a reasonable period of time. If such person, firm, corporation or
84 agency fails to (i) cease such work, or (ii) comply with an order of the
85 commission within such time as specified by the commission, the
86 commission may make an application to the superior court for the
87 judicial district of Hartford or the judicial district where the
88 development is located enjoining the construction, expansion,
89 establishment or operation of such development.

90 (c) The State Traffic Commission shall issue its decision on an
91 application for a certificate under subsection (a) of this section not later
92 than one hundred twenty days after it is filed, except that, if the
93 commission needs additional information from the applicant, it shall
94 notify the applicant in writing as to what information is required and
95 (1) the commission may toll the running of such one-hundred-twenty-
96 day period by the number of days between and including the date
97 such notice is received by the applicant and the date the additional
98 information is received by the commission, and (2) if the commission
99 receives the additional information during the last ten days of the one-
100 hundred-twenty-day period and needs additional time to review and
101 analyze such information, it may extend such period by not more than
102 fifteen days. The State Traffic Commission may also, at its discretion,
103 postpone action on any application submitted pursuant to this section
104 or section 14-311a until such time as it is shown that an application has
105 been filed with and approved by the municipal planning and zoning
106 agency or other responsible municipal agency.

107 (d) In determining the advisability of such certification, the State
108 Traffic Commission shall include, in its consideration, highway safety,
109 the width and character of the highways affected, the density of traffic
110 thereon, the character of such traffic, [and] the opinion and findings of
111 the traffic authority of the municipality wherein the development is
112 located, consistency with the state plan of conservation and
113 development and the regional plan of development, compliance with
114 the federal Clean Air Act, 42 USC Section 7401 et seq. and the

115 availability of mass transportation. If the State Traffic Commission
116 determines that traffic signals, pavement markings, channelization,
117 pavement widening or other changes or traffic control devices are
118 required to handle traffic safely and efficiently, one hundred per cent
119 of the cost thereof shall be borne by the person building, establishing
120 or operating such open air theater, shopping center or other
121 development generating large volumes of traffic, except that such cost
122 shall not be borne by any municipal agency. The Commissioner of
123 Transportation may issue a permit to said person to construct or install
124 the changes required by the State Traffic Commission.

125 (e) Any person aggrieved by any decision of the State Traffic
126 Commission hereunder may appeal therefrom in accordance with the
127 provisions of section 4-183, except venue for such appeal shall be in the
128 judicial district in which it is proposed to operate such establishment.
129 [The provisions of this section except insofar as such provisions relate
130 to expansion shall not apply to any open air theater, shopping center
131 or other development generating large volumes of traffic in operation
132 on July 1, 1967.]

133 Sec. 3. Section 14-311c of the general statutes is repealed and the
134 following is substituted in lieu thereof:

135 (a) No group of persons, firms, corporations, state agencies or
136 municipal agencies or combination thereof shall build, expand,
137 establish or operate any open air theater, shopping center or other
138 development generating large volumes of traffic on any group of
139 individual parcels of land which are separately owned but are utilized
140 together for a single development purpose, whether or not such
141 parcels are separated by any state, local or private roadway, having an
142 exit or entrance on, or abutting or adjoining, any state highway or
143 substantially affecting state highway traffic within this state until such
144 group has procured from the State Traffic Commission a certificate
145 that the operation thereof will not imperil the safety of the public.

146 (b) No local building official shall issue a building or foundation

147 permit to any such group or member thereof to build, expand,
148 establish or operate such a development until the group or member
149 provides to such official a copy of the certificate issued under this
150 section by the commission. If the commission determines that any
151 group or member has (1) started building, expanding, establishing or
152 operating such a development without first obtaining a certificate from
153 the commission, or (2) has failed to comply with the conditions of such
154 a certificate, it shall order the group or member to (A) cease
155 constructing, expanding, establishing or operating the development, or
156 (B) to comply with the conditions of the certificate within a reasonable
157 period of time. If such group or member fails to (i) cease such work, or
158 (ii) comply with an order of the commission within such time as
159 specified by the commission, the commission or the traffic authority of
160 the municipality wherein the development is located may make an
161 application to the superior court for the judicial district of Hartford or
162 the judicial district where the development is located enjoining the
163 construction, expansion, establishment or the operation of such
164 development.

165 (c) The State Traffic Commission shall issue its decision on an
166 application for a certificate under subsection (a) of this section not later
167 than one hundred twenty days after it is filed, except that, if the
168 commission needs additional information from the applicant, it shall
169 notify the applicant in writing as to what information is required and
170 (1) the commission may toll the running of such one-hundred-twenty-
171 day period by the number of days between and including the date
172 such notice is received by the applicant and the date the additional
173 information is received by the commission, and (2) if the commission
174 receives the additional information during the last ten days of the one-
175 hundred-twenty-day period and needs additional time to review and
176 analyze such information, it may extend such period by not more than
177 fifteen days. The State Traffic Commission may also, at its discretion,
178 postpone action on any application submitted pursuant to this section
179 or section 14-311a until such time as it is shown that an application has
180 been filed with and approved by the municipal planning and zoning

181 agency or other responsible municipal agency.

182 (d) In determining the advisability of such certification, the State
183 Traffic Commission shall include, in its consideration, highway safety,
184 the width and character of the highways affected, the density of traffic
185 thereon, the character of such traffic, [and] the opinion and findings of
186 the traffic authority of the municipality wherein the development is
187 located, consistency with the state plan of conservation and
188 development and the regional plan of development, compliance with
189 federal Clean Air Act, 42 USC Section 7401 et seq. and the availability
190 of mass transportation. If the State Traffic Commission determines that
191 traffic signals, pavement markings, channelization, pavement
192 widening or other changes or traffic control devices are required to
193 handle traffic safely and efficiently, one hundred per cent of the cost
194 thereof shall be borne by the group building, establishing or operating
195 such open air theater, shopping center or other development
196 generating large volumes of traffic, except that such cost shall not be
197 borne by any municipal agency. The Commissioner of Transportation
198 may issue a permit to said group to construct or install the changes
199 required by the State Traffic Commission, in consultation with the
200 local traffic authority.

201 (e) Any group aggrieved by any decision of the State Traffic
202 Commission hereunder may appeal therefrom in accordance with the
203 provisions of section 4-183, except venue for such appeal shall be in the
204 judicial district in which it is proposed to operate such establishment.
205 [The provisions of this section except insofar as such provisions relate
206 to expansion shall not apply to any open air theater, shopping center
207 or other development generating large volumes of traffic which has
208 received all necessary permits, variances, exceptions and approvals
209 from the municipal zoning commission, planning commission,
210 combined planning and zoning commission and zoning board of
211 appeals in which such development is located prior to or on July 1,
212 1985, or to any such development which is in operation on that date.]

Statement of Purpose:

To promote coordinated land management by expanding the membership of the State Traffic Commission and authorizing consideration of land use planning in its decision-making.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]